

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JARRITOS, INC.,

No. C-05-2380 JSW (EMC)

Plaintiff,

**ORDER RE “JOINT” LETTERS RE  
DISCOVERY DISPUTE**

v.

LOS JARRITOS, *et al.*,

**(Docket Nos. 46, 49)**

Defendants.

The Court has received two “joint” letters (Docket Nos. 46 and 49). Counsel did not comply with this Court’s order of May 5, 2006. “Joint” means joint. Any further violation of this Court’s orders will result in sanctions imposed upon counsel.

As to the merits, the Court rules as follows:

1. Form of protective order

Defendant’s Paragraph 7.5 is acceptable except that subparagraph (a) shall read “shall be used for purposes of this litigation only.”

2. Defendant’s Request for Production #23

Plaintiff shall produce documents currently used. For those going back two years, it may use representative samples but such samples must adequately represent to the full spectrum of uses; *i.e.* it should produce everything except those which are substantially similar to ones produced. Plaintiff shall also provide a declaration along with the production attesting that all representative samples other than those which are substantially similar have been produced.

1 3. Defendant's Request for Production #28  
2 The production shall be for the last two years.

3 4. Defendant's Request for Production #31  
4 The production shall be for the last four years.

5 5. Defendant's Request for Production #71  
6 The parties shall further meet and confer.

7 6. Defendant's Request for Production #92  
8 The production shall be for the last two years.

9 7. Privileged Documents

10 All documents which Defendant claims are privileged must be individually identified on a  
11 privilege log. If there is a natural group of documents (such as a group of documents which were  
12 sent by the same sender and went to the same recipient(s) on the same date for the same purpose)  
13 that group may be so identified and treated as one item on the log. Otherwise, each document must  
14 be listed and described.


15 8. Formalities  
16 Verifications as previously ordered shall be provided.

17 9. Fourth Set of Production  
18 The parties shall further meet and confer.

19 The Court notes that not only have the parties violated its order regarding submission of a  
20 "joint" letter, it is apparent from the nature of the disputes presented that the meet and confer efforts  
21 herein were not adequate. In the future, if the parties do not successfully resolve their discovery  
22 differences in the meet and confer process, the Court will order the parties to appear in Court and  
23 conduct an all-day (if necessary) meet and confer under the auspices of the Court.

24 IT IS SO ORDERED.

25  
26 Dated: May 19, 2006

  
EDWARD M. CHEN  
United States Magistrate Judge